

Project Assistance Completion Report

I. Project Goal

The goal of the Regional Administration of Justice Project was to strengthen regional and national institutions in order to provide services necessary for the improvement of administrative, technical and legal performance of justice systems in the region with primary emphasis on criminal justice system improvement.

II. Project Description

A. Major LOP Outputs

Long and short term training, improvement of criminal justice statistical systems, greater and improved legal documentation, assistance to bar associations, technical assistance and increased awareness of judicial reform needs among decision makers.

B. Final Outputs

The origin of the Regional Administration of Justice Project can be traced to an effort by the United States Government to assist Latin American countries improve their judicial systems. In response to the 1984 report on Central America from the National Bipartisan Commission (Kissinger Commission), AID under US Department of State guidance, developed a regional program for Central America.

The first project agreement signed in 1985 provided funding for four basic Project components between USAID and the United Nations Latin America Institute for the Prevention of Crime and Treatment of Offenders (ILANUD). The Project was subsequently amended several times throughout the life of the project to continue project funding. The components were: training, advisory services, a support component and an extension facility. The first two components included activities designed to address national and regional problems, the third sought to develop ILANUD's training and advisory capacity and the fourth provided assistance to meet country specific needs.

The Training Component included short training sessions on criminal law topics for judges and prosecutors, and specialized training for court officials on a wide range of topics including criminal law, criminal procedure, human rights and court administration. The objective of this component was to develop a cadre of national trainers and change agents who could repeat the training in their own countries. This component also included study tours to the United States, Europe and other Latin American countries.

The Advisory Services Component provided a range of activities including technical assistance through the development of justice sector assessments throughout the region, criminal justice statistic development, the development of permanent collection mechanisms for the reporting of legislation and jurisprudence, the development of bibliographic materials and the development of a central database at ILANUD. Additionally, this component provided country specific short term technical assistance based on annual country plans as well as assistance in the design of instructional and training materials to a host of national institutions including universities, judicial systems, prosecutorial offices, bar associations and other organizations.

The ILANUD institutional development component sought to accomplish two goals: to strengthen ILANUD's ability to implement project objectives and to assist ILANUD develop the capacity to continue providing assistance in administration of justice beyond the life of the project. Initial project activities included the development of new project service divisions, an extension facility, an administrative services division, a documentation center, a research division, a training division, an advisory services division and the contracting of long term technical assistance teams from Florida International University to assist in project design and evaluation.

The project also provided funding for other regional institutions such as the Inter-American Institute of Human Rights in order to receive assistance from ILANUD in the diversification of funding sources and the development of a program planning structure.

The regional project also included a special EF elements funded series of activities throughout the region in an effort to support the project goals. The project provided funds for the contracting of local personnel for the coordination of administration of justice activities on behalf of AID missions and to act as liaison officers with ILANUD, the IIHR and other regionally funded sources of technical services. Additionally, the project provided funds for the country specific activities, the justice sector assessments, support for the design of bilateral projects, assistance to National Justice Reform Commissions and commodity assistance.

III. Overall Status and Lessons Learned:

Numerous law review articles, ILANUD evaluations and a recent GAO report discuss the status and lessons learned throughout the implementation of the project. However, a final project evaluation request was denied. Given that the author of this close-out report was the third project manager and assumed management responsibilities at the end of all project activities, he as well as the

reader must rely on existing project implementation records for all final project results with the exception of the final phase of the project which focussed exclusively on efforts to assist ILANUD maintain viability without regional USAID funding. Nevertheless, a review of final cumulative outputs illustrates the successful completion of a wide array of activities. These include 172 seminars, 61 short courses/seminars, the funding of 76 University of Costa Rica scholarships, 224 technical assistance missions throughout the region, 93 publications, 129 training materials developed, the establishment of seven law libraries, the completion of justice sector assessments and the institutional development of ILANUD.

The final two years of the project focussed exclusively on the third element of the regional project and sought to encourage the institutional development of ILANUD given the pending termination of USAID institutional support. Given that only a few project activities remained to be completed, the Eleventh Amendment to the Project set strict pre-conditions regulating the disbursement of final funds. The pre-conditions called for an international search for a new director, the consolidation of the Advisory Board and Executive Committee, the establishment of new bylaws including the Board's policy review role, the development a plan of action to institutionalize a permanent Board of Directors and the preparation of a development strategy. Each of the conditions was derived from previous evaluations of ILANUD which noted that the institution had yet to develop a viable plan for sustainability and financial diversity.

While preparing the Eleventh Amendment, USAID/Costa Rica held several working sessions with the Minister of Justice in an effort to convince her to support the USAID initiative to encourage ILANUD to make institutional changes to guarantee its survival beyond the life of the project. Upon further study of ILANUD's financial status and structural design, she met with ILANUD's Director General, requested a plan of action, and signed the Amendment. Following several weeks of inactivity and lack of responsiveness by the Director General, the Minister named an Interim Director from her staff to assume the leadership of ILANUD and to work with AID in an effort to meet the Amendment's pre-conditions.

Given USAID/Costa Rica's resolve not to release funds without meeting all conditions, the Interim Director immediately took the steps required to meet all conditions and also to make important structural changes designed to correct a growing operational deficit. As a result, she immediately downsized administrative staff, closed an office annex and began a long-term plan of action to restructure ILANUD. In so doing, she eliminated the operational deficit and increased the funds available for the development of ILANUD. More importantly, following completion of the pre-conditions which included the naming of a new Director General of ILANUD, the Interim Director stepped down.

In the twelve months since the final signature of Project Implementation letter 93 in which USAID/Costa Rica acknowledged ILANUD's compliance with the conditions precedent of the Eleventh Amendment, ILANUD has continued to make progress in the areas of modernization, institutional development and future sustainability. While much work remains, ILANUD has dramatically diversified project support and received funding from numerous new donors. Additionally, ILANUD was given a new regional mandate by the Presidents of Central America to prepare a regional plan of action and assist in its implementation. Moreover, ILANUD has continued a program of modernization by updating office equipment and hardware, developing inventory control and financial management software, contracting management consultants and implementing a range of policy reform activities including new administrative policies and the development of operational manuals, a continued program of financial diversification, re-training and continuing education programs and the continued development of its new regional mandate. While ILANUD is not the regional center many had hoped it would become, it remains, at the time of drafting this report, a viable institution capable of carrying out a regional program of providing technical assistance for the region's justice sectors.

The Regional Project, by its very nature, has been the subject of both praise and criticism since its inception. However, in formally bringing the project to a close, the author would like the reader to take note of the fact that today Rule of Law projects form an integral part of USAID's Democracy portfolio and continue to draw upon the successes and lessons learned from this project for their development. Moreover, bilateral justice sector improvement projects are currently underway in all Central and South American and Caribbean countries in which the Regional Project sought to lay the groundwork for such projects. Thus, in evaluating the success of the Regional Project in trailblazing the design of bilateral Rule of Law Projects throughout the region one need only look to local USAID projects in Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Panama and Peru. But perhaps the greatest lesson to be learned from the Project is that unrealistic expectations tend to create unrealistic goals which, in turn, cloud a balanced measurement of Project results. While the Project did not make regional justice sectors perfect, the author would argue that it did make immeasurable progress in bringing the issue of justice sector reform to the forefront of US foreign aid programs and created the conditions required for the development of most regional bilateral USAID rule of law projects currently being implemented.